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May 29, 2002

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Via Hand Delivery

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 - 12th Street, SW  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Notice of Ex Parte Presentation by Broadview Networks  
CC Docket Nos. 01 - 338, 96-98 and 98-147

Dear Ms. Dortch:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules we hereby submit, on behalf of Talk America ("Talk"), in the above-captioned docketed proceedings, this notice of an oral ex parte presentation made on May 28, 2002 to Rob Tanner, Christine Newcomb, Jeremy Miller, Shanti Gupta, Jerry Stanshine, Henry Thaggert and Ian Dillner of The Wireline Competition Bureau. The presentation was made by myself, Gabe Battista, Chairman, CEO and President of Talk America, and George Vinall, Executive Vice President - Business Development of Talk America. A set of talking points was distributed during the meeting; a copy is attached to this notice.

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, we submit an original and one (1) copy of this oral ex parte notification and attached talking points for inclusion in the public record of the above-referenced proceedings. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

Heather Burnett Gold  
Principal  
The KDW Group LLC

Encl:

cc: Rob Tanner  
Christine Newcomb  
Jeremy Miller  
Henry Thaggert  
Ian Dillner  
Shanti Gupta  
Jerry Stanshine

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**FRAMEWORK FOR COMPETITION**

**May 28, 2002**

**Federal Communications Commission**

# Agenda

- ◆ About Talk America
- ◆ Benefits from UNE-P Competition
- ◆ UNE-P Entry Methodology
- ◆ OSS Systems
- ◆ UNE-P Creates Facilities Investments
- ◆ Local Switching is Necessary
- ◆ Homeland Security Policy Issues
- ◆ Conclusion

**Talk**America

# About Talk America

- ◆ Residential Local Bundled Service Provider
- ◆ Primarily Suburban and Rural Customers (Zones 2-4)
- ◆ Facilities-based and UNE-P CLEC
- ◆ Own and Operate five Lucent 5E local/LD switches
- ◆ Use Combination of CLEC Facilities AND UNE-P as Network Strategy
- ◆ \$310 M 2002 Revenue Guidance
- ◆ 980+ Employees
- ◆ EBIDTA Positive
- ◆ Operate from Cash Flow



## About Talk America (2)

- ◆ 25 UNE-P Local States
- ◆ 4,432 End Offices Served
- ◆ 15,737 NPA/NXXs Served
- ◆ 665,000 Long-distance customer lines
- ◆ 215,000 Local Bundled customer lines
- ◆ “Customer First” Service Strategy
- ◆ Price-certain Residential Service Bundles
- ◆ Simple yet explicit bill presentment
- ◆ Real-time call detail



# **"Poster Child" Company**

*Congressional  
Telecom Act  
Of 1996*

**Talk America<sup>®</sup>**

**Local  
Residential  
Choice**

# Benefits from UNE-P

## Competition Residential Local Choice

- Fulfills Congressional Intent of TA '96
- Disciplines the Monopolies
  - Improves Customer Service
  - Lowers prices
- Creates New Network Facilities
- Advances Technology Development

**Talk** America

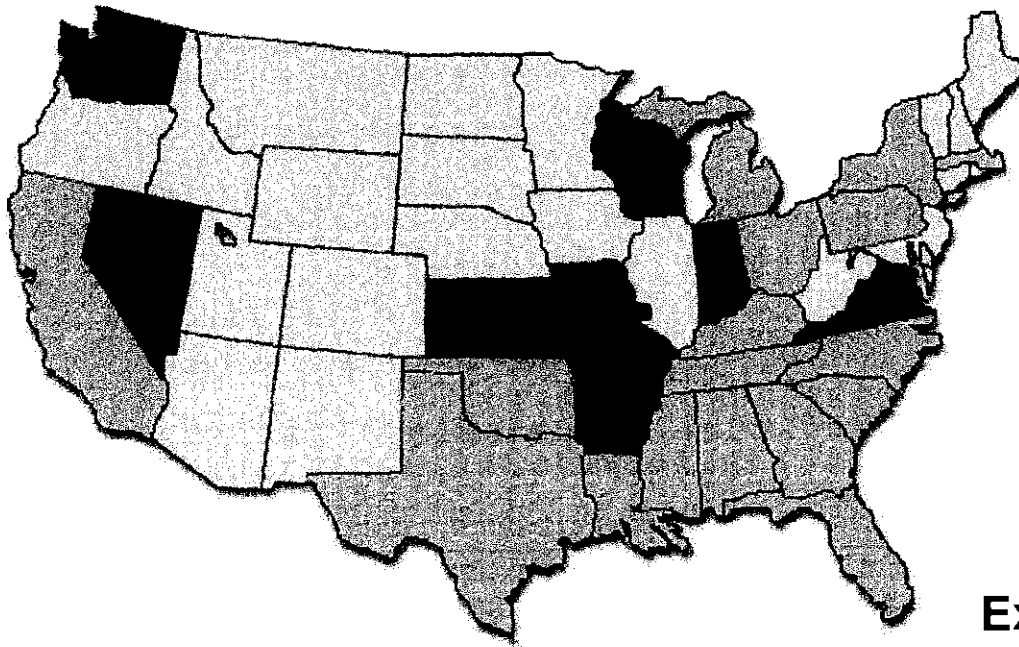
# UNE-P Entry Methodology

1. Get Customers First;
2. Create scalable OSS back-office;
3. Innovate/Differentiate Product Offerings;
4. Build Underlying Facilities.



## CUSTOMERS & ASSOCIATES

- ◆25 Local UNE-P States
- ◆8 States Added in 2001



<b>Total Lines</b>	
Arkansas	1mm
Indiana	2.2mm
Kansas	1.4mm
Missouri	2.5mm
Nevada	.35mm
Virginia	3.4mm
Washington	2.3mm
Wisconsin	2mm
<b>Existing Coverage</b>	<b>81mm</b>

**Total Access Lines: 96mm**

**Talk America**™

# Create scalable OSS back-office

1570WNET

Mr. Shields

Mr. Christopher Cannon Shields  
123 Maple Ave, Apt. 32B, Plainsboro, NJ 08536-2442  
chns@bmf.com

0001234572

\$63.22  
due on  
28 May 2002

Alert  
High Urgency

care

**Script**

★ Great! How may I help you today?

**Summary** **Billing** **Features** **Trouble (1)** **Notes**

★ 609-799-1212 Resident Local & L.O. Billing Features \$63.22

609-799-1214 Comp

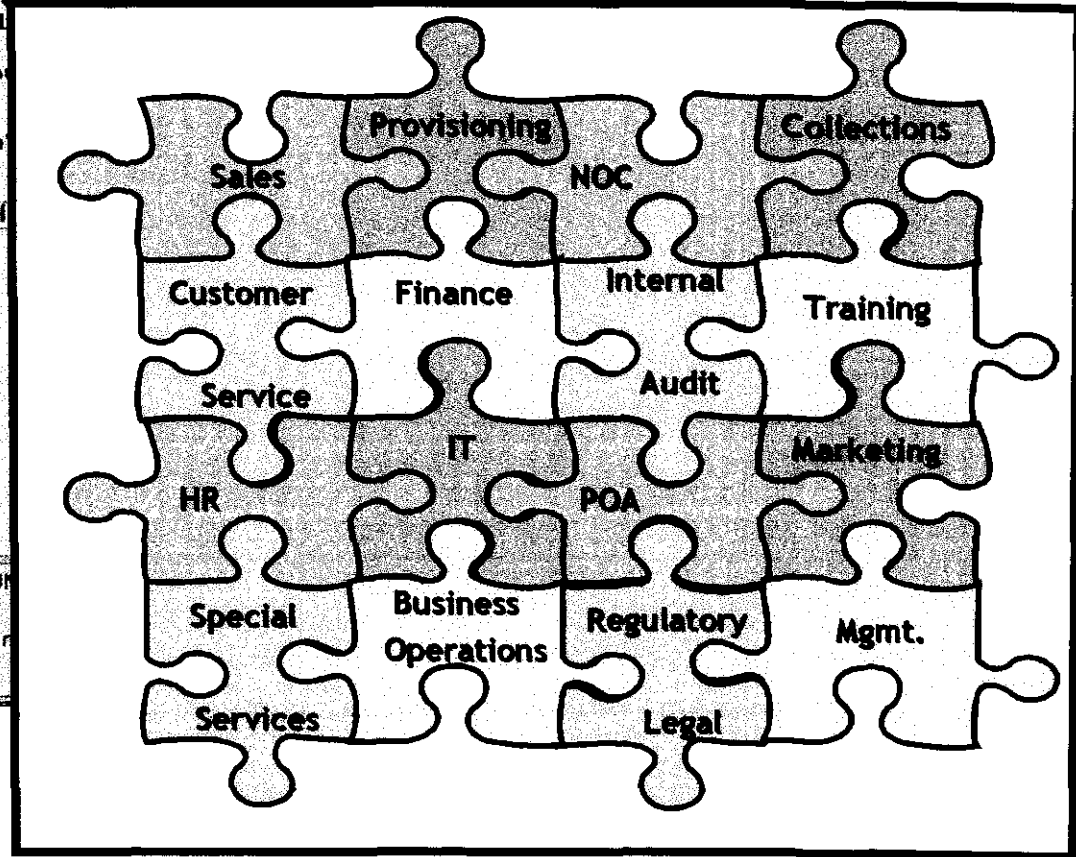
609-799-1218 Karen

Add New Service Cancel

Transfer To  
-- Select Representative --

End Call

LAST CALL: MR. SHIELDS - INBOUN  
21 APR 2002 - 09:30 EST  
JSMITH Very upset that bill did not arrive 10 days prior to due date



# Innovate/Differentiate Product Offerings

Talk America: Member Self Service - Microsoft Internet Explorer

File Edit View Favorites Tools Window Help

Back Forward Reload Home Print

Address

**Talk America** Welcome Christopher Cannon Shields  
Member Since 2001

May 14, 2002

Logout

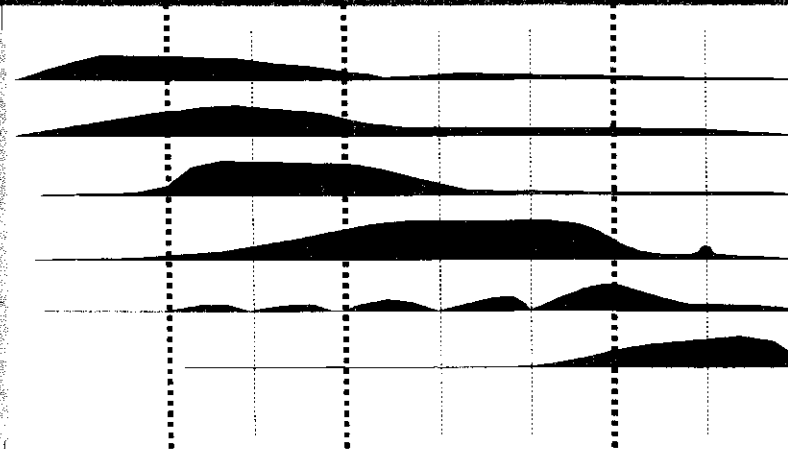
Mr. Shields:  
Based on your phone usage, we estimate you may be able to:  
receive a \$60 credit on your phone bill and  
save as much as \$12.44 each month

[Click Here to Learn How](#)

Connect with a

TALK

Business Modeling  
Requirements  
Analysis & Design  
Implementation  
Test  
Deployment  
Maintenance



5% 0%  
20% 0%  
18% 50%  
40% 90%  
15% 75%  
2% 50%  
..... 2-10x

# UNE-P Creates Facilities

## Investments

- ◆ ~~Marketplace Will Dictate Build Requirements~~
- ◆ Volumes/New Technology Will Lead Development
- ◆ Talk Evaluating Michigan Switching Costs
- ◆ Carrier Wholesale Market Developing
- ◆ 1980s ENFIA Access Discounts Led to Multiple, Redundant Long-distance Networks

**Talk** America

## States Best Suited to Regulate UNE-P

- ◆ UNE-P is Local
- ◆ Geographic differences Exist
- ◆ ILECs Operate on State by State Basis
- ◆ Carriers Must Adhere to PSC Rules
- ◆ States Should Not be Preempted
- ◆ New York Example

# Local Switching is Necessary

- ✓ No Alternatives Available
- ✓ Wall Street Funding Not on Spec
- ✓ No Intermodal Options
- ✓ Monopolies Used Rate-Payers to Build Infrastructure
- ✓ No Competition w/o UNE-P

# Homeland Security Policy

**Issues** Does Create  
Redundant Facilities  
Investment

- ◆ Standardized, National OSS Benefits Security Services
- ◆ Wireline Networks Underlie all Intermodal Competitors (Wireless, Satellite, Cable)



**Talk** America

# Conclusion

- ◆ UNE-P Equals Residential Competition.
- ◆ Local Switching is Necessary.
- ◆ UNE-P Creates Facilities Investments.
- ◆ Fulfills Congressional Intent of TA '96.
- ◆ Let States Regulate UNE-P